

AMENDED IN ASSEMBLY APRIL 14, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

No. 53

---

Introduced by Assembly Member Cristina Garcia

December 1, 2014

---

An act to amend, *repeal, and add* Section 27360 of the Vehicle Code, relating to vehicles.

### LEGISLATIVE COUNSEL'S DIGEST

AB 53, as amended, Cristina Garcia. Vehicles: child safety seats.

Existing law requires a parent, legal guardian, or the driver of a motor vehicle to properly secure a child under 8 years of age in an appropriate passenger restraint system while the child is riding in a motor vehicle. *A violation of the Vehicle Code is a crime.*

This bill would require a parent, legal guardian, or the driver of a motor vehicle to properly secure a child *who is* under 2 years of age in an appropriate ~~rear-facing child safety seat while the child is riding in a motor vehicle.~~ *rear-facing child passenger restraint system, unless the child weighs 40 or more pounds or is 40 or more inches in height. Because a violation of these requirements would be a crime, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 27360 of the Vehicle Code is amended to*  
2     *read:*

3     27360. (a) Except as provided in Section 27363, a parent, legal  
4     guardian, or driver shall not transport on a highway in a motor  
5     vehicle, as defined in paragraph (1) of subdivision (c) of Section  
6     27315, a child or ward who is under eight years of age, without  
7     properly securing that child in a rear seat in an appropriate child  
8     passenger restraint system meeting applicable federal motor vehicle  
9     safety standards.

10    (b) Subdivision (a) does not apply to a driver if the parent or  
11    legal guardian of the child is also present in the motor vehicle and  
12    is not the driver.

13    (c) *This section shall remain in effect only until January 1, 2017,*  
14    *and as of that date is repealed, unless a later enacted statute, that*  
15    *is enacted before January 1, 2017, deletes or extends that date.*

16    SEC. 2. *Section 27360 is added to the Vehicle Code, to read:*

17    27360. (a) *Except as provided in Section 27363, a parent,*  
18    *legal guardian, or driver who transports a child under eight years*  
19    *of age on a highway in a motor vehicle, as defined in paragraph*  
20    *(1) of subdivision (c) of Section 27315, shall properly secure that*  
21    *child in a rear seat in an appropriate child passenger restraint*  
22    *system meeting applicable federal motor vehicle safety standards.*

23    (b) *Except as provided in Section 27363, a parent, legal*  
24    *guardian, or driver who transports a child under two years of age*  
25    *on a highway in a motor vehicle, as defined in paragraph (1) of*  
26    *subdivision (c) of Section 27315, shall properly secure the child*  
27    *in a rear-facing child passenger restraint system that meets*  
28    *applicable federal motor vehicle safety standards, unless the child*  
29    *weighs 40 or more pounds or is 40 or more inches tall. The child*  
30    *shall be secured in a manner that complies with the height and*  
31    *weight limits specified by the manufacturer of the child passenger*  
32    *restraint system.*

33    (c) *This section does not apply to a driver if the parent or legal*  
34    *guardian of the child is a passenger in the motor vehicle.*

35    (d) *This section shall become operative January 1, 2017.*

36    SEC. 3. *No reimbursement is required by this act pursuant to*  
37    *Section 6 of Article XIII B of the California Constitution because*  
38    *the only costs that may be incurred by a local agency or school*

1 *district will be incurred because this act creates a new crime or*  
2 *infraction, eliminates a crime or infraction, or changes the penalty*  
3 *for a crime or infraction, within the meaning of Section 17556 of*  
4 *the Government Code, or changes the definition of a crime within*  
5 *the meaning of Section 6 of Article XIII B of the California*  
6 *Constitution.*

7 ~~SECTION 1. Section 27360 of the Vehicle Code is amended~~  
8 ~~to read:~~

9 ~~27360. (a) Except as provided in Section 27363, a parent, legal~~  
10 ~~guardian, or driver shall not transport on a highway in a motor~~  
11 ~~vehicle, as defined in paragraph (1) of subdivision (c) of Section~~  
12 ~~27315, a child who is under eight years of age, without properly~~  
13 ~~securing that child in a rear seat in an appropriate child passenger~~  
14 ~~restraint system meeting applicable federal motor vehicle safety~~  
15 ~~standards.~~

16 ~~(b) Except as provided in Section 27363, a parent, legal~~  
17 ~~guardian, or driver shall not transport on a highway in a motor~~  
18 ~~vehicle, as defined in paragraph (1) of subdivision (c) of Section~~  
19 ~~27315, a child who is under two years of age, without properly~~  
20 ~~securing that child in a rear facing child safety seat~~  
21 ~~meeting applicable federal motor vehicle safety standards.~~

22 ~~(c) Subdivision (a) or (b) does not apply to a driver if the parent~~  
23 ~~or legal guardian of the child is a passenger in the motor vehicle.~~